IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RSA No. 1826 of 2005
Date of decision : 11.9.2006.

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Parties Name

Surat Singh and others

..... appellants.

vs.

Sarbans Singh and others

.....Respondents

Coram: Hon'ble Mr. Justice S.N. Aggarwal

Present: Sh. H.R. Riar, Senior Advocate with
Sh.D.P.S. Kahlon, Advocate for the appellants.

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S.N. Aggarwal, J.

Charan Singh was the owner of the suit land. He was unmarried and was issueless. He died on 23.6.1996.

The appellants herein filed the civil suit with the allegations that said Charan Singh had executed a valid Will dated 20.6.2006 in favour of Surat Singh and Narinder Singh plaintiff-appellants and in favour of Niranjan Singh-plaintiff (predecessor in interest of appellants No. 3 to 8) and in favour of one Hardip Singh (predecessor in interest of appellants No. 9 to 11). Hence, the appellants sought declaration that they were the owners in possession of the land measuring 45 Kanals 6 Marlas, which was once owned by Charan Singh.

The said suit was contested by the respondents. The respondents disputed the legality and validity of the Will dated 20.6.1996 set up by the appellants. However, the respondents also set up a Will dated 22.6.1996 in their favour.

Issues were framed. The parties led the evidence. The learned trial Court reached the conclusion that the plaintiff-appellants have failed to prove the execution of the Will dated 20.6.1996. The defendant-respondents also failed to prove the Will dated 22.6.1996. Accordingly, the suit was dismissed by the learned trial Court vide judgment and decree dated 7.3.2002.

The appellants filed an appeal. The learned Lower Appellate Court upheld the findings of fact recorded by the learned trial Court and dismissed the appeal vide judgment and decree dated 22.4.2003.

Hence, the present appeal.

Both the Courts below have recorded the concurrent finding of fact that the plaintiff-appellants have failed to prove the Will dated 20.6.1996 in their favour. Therefore, they have no right to succeed to the rights of inheritance through Will of Charan Singh.

After hearing the arguments of the learned counsel for the appellants, I do not find any circumstance to disturb the concurrent finding of fact recorded by both the Courts below. Nor any substantial question of law arises.

No merits. Dismissed.

(S.N.Aggarwal)
Judge

11.9.2006.
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